

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO: 20-CR-20482

v.

HON. SEAN F. COX

DANIEL LEE HARVEY III,

Defendant.

DEFENDANT'S SENTENCING MEMORANDUM

NOW COMES the Defendant by and through his attorney in this sentencing memorandum. The Defendant states the following:

The Defendant has plead guilty to Count 3 of the charges Coercion and Enticement 18 USC 2422 (b). This is a crime that carries 10 years to life.

Accordingly, the guidelines are 168 to 210 months. The Defendant filed a motion for a downward departure and is filing this memorandum as supplemental.

The Defendant takes the position of true remorse as to what he has done. It is something that is completely out of character for him. He cannot understand why on this day he acted so irresponsible.

This action can only be explained by his opiate addiction that has been corrected. On the day in questions the Defendant started getting text messages from the victim. Because he had made decisions to be drunk and high that day, he

made bad decisions to talk to a minor in a sexual nature. Although a complex and deep investigation against the defendant, law enforcement turned up no other evidence in years of phone records except for this one day. There were no patterns, no evidence of porno addictions, no other conversations with the minor.

Since this event the Defendant has worked hard to turn his life around. Attached to this memo are letters from family members explaining the value that the defendant has added to their lives. He has become a valuable member in society compared to where he was at 4 years ago when this wrongdoing occurred. He has beat drugs, he has worked hard to get his drivers licenses, he has a great job, he has built a strong family, and has become almost a model citizen. The attached letters will speak for themselves.

The Defendant could benefit greatly from going to a rehabilitation facility such as Marion prison. The fact that the Defendant has come so far in changing his life, treatment could greatly reduce any risk of this reoccurring once the Defendant is released. The Defendant has worked hard since this event happened and residential sexual treatment program would best serve society.

In conclusion, the Defendant messed up and admits it and is ready for responsibility for his actions. The Defendant is asking the Court for a downward Departure from the guidelines to the statutory minimum with treatment as to give him and his family a chance at redemption. 10 years is a long time to serve for

what amounts to one brief video that happened on one day when the Defendant was at the height of his drug disease. It was wrong, but the statutory minimum is probably more in line with justice than the guidelines. The Defendant is asking the Court for a minimum sentence with treatment as his sentencing.

Dated: 12/01/2022

/s/Doug Dern
Doug Dern (P64567)
11636 Highland Rd. #107
Hartland MI 48353
810-632-9160
dddern@aol.com

November 30, 2022
Virginia Harvey
Waterford Meadows Apartments
883 East Alpha Pkwy
Waterford, MI
48321

Dear Honorable Judge Cox,

My name is Virginia Harvey. I am the mother of Daniel Lee Harvey III. My son made a terrible mistake, and he is incredibly sorry for it. My son is not a bad person. He has changed his whole life around. He is clean from drugs, and he has a very good job as a manager at Pine Knob, Ford Field, and Little Caesars Arena. He has come a long way from a long hard road of many years of drug use. Unfortunately, he started at a very young age. He has been clean and working hard for a while now. He has four children at home and one on the way. He has worked very hard to be where he is now. He has been on a tether for 3 ½ years now and has not violated at all and has completed all his classes. Rehabilitation is giving a person a second chance and he is going to have 5 children that need their father. As the sole provider for his family, they will suffer if he is not here to provide for them. Please allow my son the opportunity to continue proving he has changed for the better. He is a good man, father, and son. I am begging you, please allow him to continue caring for his family. We all need him!

Thank you,

Virginia Harvey

EXHIBIT 1

Dear judge,

I could write a book about my father and my life with him but I will summarize it instead. As long as I can remember my dad has always been in my life. He taught me how to walk, ride a bike swim, baseball etc he attended every single school play, parent teacher conference, field trips you name it he was there. I can remember times when my dad would take leftovers from Thanksgiving and we would make several plates and go drive around and feed the homeless. I am now 16 years old and he is still very much apart of my life, we see him almost every day seeing how he lives down the street. I know my dad use to struggle with addiction but he is now doing better than he ever has and we can all see it. I have never had a bad experience when I was with my dad, he never hit us, abused us in any way shape or form. I don't know the full extent of my dad's situation but I do know he is a very good person with a very good heart who doesn't deserve to be taken away from us. My dad has been in my life since birth and I would love if he could still be apart of my life. My dad has came along way and he is working, taking care of his responsibilities and raising us kids. My dad lived with us my whole life until 2018 when he moved to Portland for a couple years and that's the only time he was absent from our lives. The people involved in my dad's case we're never family friends of ours and my dad never lived with anyone but us. I know I can't change your decision but I hope I can at least help shed light on the kind of dad he is. Thank you

Sincerely,

Daniel Harvey

EXHIBIT
2

To Whom it May Concern,

I have known Daniel Lee Harvey III since 2006 and was in a committed relationship with him for a little over ten years. We have two beautiful children together, ages 12 and 14 that we co-parent. Even though we are no longer a couple I commend both of us on maintaining a lifelong friendship throughout the years.

Me and Danny had our son in 2007. At that time, I was living with my parents, but Danny came to stay with me for the first 6 weeks of our sons' birth and thank God he did because I am not sure I would have survived a few of those nights without him. I remember waking up with our son in the middle of the night and he would not stop crying. I was so tired and tried everything, but nothing was working. That was until Danny woke up and saved me. At that point I was crying with my son, I am sure Danny thought I was going crazy, but he did not make me feel that way not even for a second! As soon as he took our son from my arms I was at ease. I rolled over and slept peacefully knowing he would be safe and comforted with his dad! I slept like a baby and soon enough so did our son. Danny might not realize how much that night helped me, and I realize its all part of being a dad, but I was lucky enough to not have any doubts that he would care for our son and keep him and myself at peace!

Me and Danny moved into our first apartment in 2007 in Waterford Michigan. A couple years while Danny was at work. About a year later we all moved back to Michigan because it was too hard for me to be so far away from family and friends. We came back as a family and rented a home together and lived together as a family for the next decade. From 2007 until about 2018 me and Daniel Harvey have lived together with our two children.

I know I am writing a short novel right now and I apologize but I want you to see the timeline and journey of our lives and how much trust I had in Daniel as a father and significant other and now a friend. He has been active in our children's lives since day one. Danny attended softball games, gymnastics, parades, camp trips, and chaperoned numerous fieldtrips at our children's school. He has taken them both to birthday parties and play dates. I have never once doubted the safety for my children when in the care of Danny. He has proven to be a safe, secure and trustworthy person in my life. To this day he is active in the children's life, and they come stay with him on most weekends and other weekdays as well. In April I had covid and the children stayed with him, and I trusted Danny to get the children back and forth to school safely and provide the proper care. I was able to relax and take care of my health knowing they were in good hands! Never in my life would I be concerned to let our children stay with Danny unsupervised. He would never hurt a child and have never gave me any reason or doubt that my children or any other child would be in harms way while with him.

Later we moved to Vancouver Washington because Danny accepted a job opportunity. He went there first and me and the baby stayed in Michigan until everything was ready. About a month Danny got us a flight to Washington where we arrived at our new apartment furnished and ready for our family. In 2009, our daughter was born. I was lucky enough to be able to stay home and care for our two children. I would also like to state the victim and her family were never family friends of ours , the mother became friends with Danny in 2018 for a very short amount of time and the victim was never around

and he was never around her because she didn't even live with her mother at that time. Also he was never a part of a gang nor is he dangerous to society in any way shape or form.

It is my sincere hope that the court takes this letter into consideration at the time of sentencing. Despite the current case, I honestly still believe Daniel Harvey to be an honorable individual, a valuable member of my life and an overall good human being so if you could have sympathy for someone, he would be a good candidate.

Sincerely,

Riley Freeman

248-922-8776

EXHIBIT 3

Dear honorable judge Cox,

Hello, I am Daniel Harvey Jr , Daniel Harvey III's father. I'm sure every parent has something positive to say about their son. I would like to start off by saying Daniel is an incredible person. I raised Daniel for a large portion of his childhood and I definitely raised him to be an amazing person, honest and trustworthy. Daniel was never a bad kid growing up as far as school and home life went. I've been around my son his entire 36 years of existence and he has never done anything to make anyone question whether he's a good person or not. My son has no criminal history, no prior allegations or anything after the one time incident. Daniel was always a ball of energy and light, his presence is felt in every room he enters and he has always had a huge heart. Ever since he was little he had a passion for music and he continued that into adulthood and has had a pretty successful music career. I say that to say everywhere he goes people are drawn to his positive energy. He struggled with addiction which led to depression which led to several overdoses. During his addiction he's never stole from us, or did anything untrustworthy to make us question his abilities or actions. I understand people make mistakes in life but Daniel is an amazing person, dad, son, friend and more. I only ask you see the history of Daniel and realize there is nothing there besides a one time incident. He went to Suboxone treatment on his own and has been maintaining his sobriety ever since May 2020 and has us to support him. He has maintained a steady job, got promotions in that job, got his license back after 6 years, goes to sobriety church, completed therapy, counseling and had a new baby , and another on the way, he is a great father to his kids and I couldn't be any prouder as a father to have raised such an amazing man. I am asking as a father to please consider probation or parole and not incarceration, he is an outstanding citizen and will do better providing for his family than he would behind bars.

Thank you,

Sincerely,

Daniel Harvey Jr.

EXHIBIT 4